

HOUSE BILL 451

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HB 629/03 - ENV

2004 Regular Session
4r1499

By: **Delegates Frush, Barkley, Bobo, Bronrott, Conroy, Feldman, Goldwater, Hubbard, Lee, Madaleno, Moe, Montgomery, Parker, Stern, Taylor, and Zirkin**

Introduced and read first time: January 30, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Black Bear Hunt - Moratorium**

3 FOR the purpose of prohibiting the Department of Natural Resources from
4 establishing an open season to hunt black bears until a certain date; prohibiting
5 the Department from reducing the black bear population in the State, subject to
6 a certain exception, until a certain date; prohibiting a person in certain counties
7 from hunting black bears until the Department establishes an open season to
8 hunt black bears; classifying black bears as nongame mammals until a certain
9 date; requiring the Department to conduct a certain survey and report the
10 findings to the Governor and certain committees of the General Assembly on or
11 before a certain date; providing for a delayed effective date for certain provisions
12 of this Act; altering a certain definition; and generally relating to a moratorium
13 on an open season to hunt black bears.

14 BY repealing and reenacting, without amendments,
15 Article - Natural Resources
16 Section 10-101(a), (i), (n), and (o)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2003 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Natural Resources
21 Section 10-101(f), 10-206, 10-301(a), and 10-405(a)
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2003 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Natural Resources
26 Section 10-101(f)
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2003 Supplement)

1 (As enacted by Section 1 of this Act)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Natural Resources**

5 10-101.

6 (a) In this title the following words have the meanings indicated.

7 (f) "Forest game birds and mammals" means forest game birds (ruffed grouse
8 and turkey) and forest game mammals ([black bears,] deer, fox squirrels, excluding
9 the Delmarva subspecies, and gray and red squirrels) or any part, egg, offspring, or
10 dead body of any of them.

11 (i) "Game birds or mammals" means the species defined as forest game birds
12 and mammals, fur-bearing mammals, upland game birds and mammals, and wetland
13 game birds or any part, egg, offspring, or dead body of any of them.

14 (n) "Nongame birds and mammals" means every wild mammal and bird not
15 classified as game birds and mammals or any part, egg, offspring, or dead body of any
16 of them.

17 (o) (1) "Open season" means the time when a person lawfully may hunt
18 game birds and mammals.

19 (2) "Open season" includes both the first and last day of the season or
20 period designated by this title.

21 10-206.

22 (A) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
23 SUBSECTION, THE Department may reduce the wildlife population in any county,
24 election district, or other identifiable area of the State after a thorough investigation
25 reveals that protected wildlife is seriously injurious to agricultural or other interests
26 in the affected area.

27 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
28 DEPARTMENT MAY NOT REDUCE THE BLACK BEAR POPULATION IN ANY AREA OF
29 THE STATE UNTIL ON OR AFTER JULY 1, 2010.

30 (II) UNTIL JULY 1, 2010, THE DEPARTMENT MAY KILL A BLACK BEAR
31 ONLY:

32 1. IN DEFENSE OF A PERSON, THE PROPERTY OF A PERSON,
33 OR DOMESTICATED ANIMALS ON THE PROPERTY OF A PERSON; AND

34 2. AFTER EXHAUSTING ALL NONLETHAL METHODS OF
35 RESOLVING PROBLEMS CAUSED BY THE BLACK BEAR.

1 (B) The method of reducing the wildlife population is at the Department's
2 discretion, except that trapping is preferred whenever feasible.

3 (C) The Department shall dispose of wildlife taken pursuant to the provisions
4 of this section as the Department deems advisable.

5 10-301.

6 (a) (1) To provide a fund to pay the expense of protecting and managing
7 wildlife, and preventing unauthorized persons from hunting them, a person may not
8 hunt or attempt to hunt during open season and in any permitted manner any game
9 birds and mammals in the State without first having procured either a resident or
10 nonresident hunter's license. [A person may not hunt or attempt to hunt nongame
11 birds and mammals in Baltimore County or Frederick County without first obtaining
12 a license. A permanent resident of a government reservation may obtain a resident
13 hunter's license.]

14 (2) A PERMANENT RESIDENT OF A GOVERNMENT RESERVATION MAY
15 OBTAIN A RESIDENT HUNTER'S LICENSE.

16 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
17 PERSON MAY NOT HUNT OR ATTEMPT TO HUNT NONGAME BIRDS AND MAMMALS IN
18 BALTIMORE COUNTY OR FREDERICK COUNTY WITHOUT FIRST OBTAINING A
19 LICENSE.

20 (II) A PERSON MAY NOT HUNT BLACK BEARS IN BALTIMORE
21 COUNTY OR FREDERICK COUNTY UNTIL THE DEPARTMENT ESTABLISHES AN OPEN
22 SEASON UNDER § 10-405(A)(2) OF THIS TITLE.

23 10-405.

24 (a) (1) Pursuant to § 10-205 of this title, AND SUBJECT TO PARAGRAPH (2)
25 OF THIS SUBSECTION, the Department shall establish by regulation and publish by
26 July 1 each year the open season to hunt forest and upland game birds and mammals.

27 (2) THE DEPARTMENT MAY NOT ESTABLISH AN OPEN SEASON TO HUNT
28 BLACK BEARS UNTIL ON OR AFTER JULY 1, 2010.

29 [(2)] (3) Except as provided under § 10-410 of this subtitle, the
30 Department may not authorize hunting on a Sunday.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
32 read as follows:

33 **Article - Natural Resources**

34 10-101.

35 (f) "Forest game birds and mammals" means forest game birds (ruffed grouse
36 and turkey) and forest game mammals (BLACK BEARS, deer, fox squirrels, excluding

1 the Delmarva subspecies, and gray and red squirrels) or any part, egg, offspring, or
2 dead body of any of them.

3 SECTION 3. AND BE IT FURTHER ENACTED, That on July 1, 2009, the
4 Department of Natural Resources shall commence a survey of the black bear
5 population in Maryland using the most effective science and technology available at
6 that time. The Department shall report the findings of its survey to the Governor and,
7 in accordance with § 2-1246 of the State Government Article, to the House
8 Environmental Matters Committee and the Senate Education, Health, and
9 Environmental Affairs Committee on or before December 1, 2009.

10 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
11 take effect July 1, 2010.

12 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
13 Section 4 of this Act, this Act shall take effect July 1, 2004.